

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20556. Misbranding of Vapex. U.S. v. 15 Dozen Bottles, et al., of Vapex. Default decrees of condemnation and destruction. (F. & D. nos. 29594, 29595. Sample nos. 21072-A, 21120-A, 32934-A.)

These cases involved various shipments of Vapex, a drug preparation. In one of the lots the label bore no declaration of the alcohol content, and in remaining lots the declaration was not properly made. Tests of the article showed that it did not possess the bactericidal properties claimed in the labeling. It also was claimed for the article that it was made in England, whereas a part of the manufacturing process was carried on in this country.

On December 6, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 15 dozen bottles of Vapex at Pittsburgh, Pa. On December 7, 1932, the United States attorney for the District of Delaware filed a libel against 41 dozen bottles of the product at Wilmington, Del. The libels charged that the article had been shipped in interstate commerce, in various lots, between the dates of October 8, 1932 and November 23, 1932, by E. Fougera & Co., Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, such as menthol and lavender oil, alcohol (approximately 65 percent by volume), and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the packages, "Vapex is produced in England by Thos Kerfoot & Co., Ltd." and "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", were false and misleading. Misbranding was alleged for the further reason that the labels failed to bear a statement of the quantity or proportion of alcohol contained in the article, since in one lot the alcohol was not declared, and in the other lots the declaration appeared in an inconspicuous place on the bottle label, and no declaration appeared upon the outside of the packages.

On January 6 and January 11, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the courts that the product be destroyed by the United States marshals.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20557. Misbranding of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup; adulteration and misbranding of LaSalle's antiseptic powder. U. S. v. Harry Lehrer (La Salle Medicine Co.). Plea of guilty to all counts. Fine, \$200 on first count. Sentence suspended on remaining counts. (F. & D. no. 28210. I.S. nos. 21395 to 21399, incl.)

This case was based on an interstate shipment of various proprietary medicines. Examination showed that the articles contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings of the products. Tests of LaSalle's antiseptic powder showed that it was not a safe and effective antiseptic as represented.

On February 2, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Harry Lehrer, trading as the LaSalle Medicine Co., Los Angeles, Calif., charging violation of the Food and Drugs Act as amended. It was alleged in the information that the defendant had shipped, on or about September 15, 1931, under the name of the Brunswick Drug Co., from the State of California into the State of Arizona, quantities of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup that were misbranded, and a quantity of LaSalle's antiseptic powder that was adulterated and misbranded.

Analyses of samples of the products by this Department showed that Life Salt consisted essentially of compounds of sodium and potassium, tartrates, carbonates, phenolphthalein, citric acid, and sugar; Diutone tablets contained extracts of plant drugs, including buchu and juniper, and potassium nitrate;